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January 2, 2024

VIA ECF

Magistrate Judge Peggy Kuo
 United States District Court
 Eastern District of New York
 225 Cadman Plaza East
 Brooklyn, NY 11201

Re: Joint Status Report on Mediation and Joint Request for Settlement Conference
 With Magistrate Kuo Under Agreed Terms.
Aranias v. SMG Automotive Holdings LLC, et al., Case 1:22-cv-04510-BMC

Dear Judge Kuo:

The undersigned represents Plaintiff Eliyahu Aranas. On behalf of All Parties,¹ Plaintiff writes this Joint Status Report on Mediation and Joint Request for Settlement Conference With Magistrate Kuo Under Agreed Terms pursuant to Your Honor's December 18, 2023 ECF Order.

All Parties jointly request a Settlement Conference with Your Honor subject to the following agreements, for which All Parties request the Court to So Order.

1. The term "Full Settlement Authority" means a person authority to settle for the last demand of Plaintiff without the need to contact or receive authority from anyone else. The person will be the one who provides the authority to settle for up to the dollar amount of the last demand, not the person who merely receives the authority from someone else.
2. The insurance adjuster for SMG and the corporate representatives for corporate defendants SMG and Santander shall attend the Settlement Conference with "Full Settlement Authority."
3. All Parties and the insurance adjuster for SMG will attend for the full length of the Settlement Conference, except that defendants Melissa Swigger and Blanca Garcia may appear solely through their counsel Michael N. Gould, Esq., who will have authority to settle on their behalf.
4. Christian McGannon, the senior attorney at the firm representing the Dealership Defendants, will endeavor to attend for the full length of the Settlement Conference.

¹ Defendants are SMG Automotive Holdings LLC d/b/a/ Brooklyn Chrysler Jeep Dodge Ram ("SMG"), a car dealership, the owner and manager of SMG, Zachary Schwebel (collectively "Dealership"), a putative auto finance company, Santander Consumer USA d/b/a/ Chrysler Capital ("Santander"), and employees of SMG involved in the putative sale and financing at issue in this case, Tafawa Lee, Bryant Quintana, Jimmy Calle, Temple Hyman, Melissa Swigger, Blanca Garcia, and Richard Cappetta (the "Employee Defendants"). The term Employee Defendants **excludes** Defendant Tiffany Lev, a former employee of SMG, who has not appeared in this case. The term "Defendants" means collectively the Dealership, Santander, and the Employees Defendants. The term **All Parties** means Plaintiff and Defendants.

In addition, Counsel for All Parties respectively request leave to provide the Court a confidential *ex parte* Settlement Conference statement in advance of the Settlement Conference should they believe it is helpful for the success of the Settlement Conference, but are not required to do so.

All Parties thank Your Honor for consideration of this Joint Request.

Respectfully submitted,

/s/ Ahmad Keshavarz

Ahmad Keshavarz
Attorney for Plaintiff Eliyahu Aranas

AGREED:

/s/ Michael Gould, Esq

Michael Gould, Esq.
LaBonte Law Group, PLLC
Attorneys for Employee Defendants and Santander

AGREED:

/s/ James M. Strauss

James M. Strauss, Esq.
Lewis Brisbois Bisgaard & Smith LLP
Attorneys for Defendants SMG Automotive Holdings LLC d/b/a/ Brooklyn Chrysler Jeep Dodge Ram ("SMG"), Zachary Schwebel,